

**City and Borough of Sitka  
Coastal Management Program  
Enforceable and Administrative Policies**

**Effective Dates:**

**1981**

Original Coastal Management Program goes into effect.

**1985**

Coastal Management Program revised to update and clarify an increasing importance to economic policies and revise the implementation chapter.

**May 31, 1989**

Sitka Coastal Management Plan is comprehensively revised. Revision includes Swan Lake AMSA. This AMSA lists proper and improper uses, describes the boundary, but has no enforceable policies.

**1. COASTAL DEVELOPMENT**

**Floating Facilities**

a. Policy [Administrative]

To encourage floating facility owners to take responsibility for promptly removing and disposing of a facility in the public domain, the City and Borough of Sitka recognizes the need for the development of a performance bond program to be administered by the appropriate state agency or agencies, to assure compliance or a substantial financial penalty for noncompliance.

## 1.1 Policy

In determining whether to allow or prohibit any floating facility at a specific site, priority shall be given to floating facilities in the following order:

- 1) Water-dependent or water-related uses and activities for which there is no feasible and prudent upland alternative.

Examples of uses and activities under this category may include, pending an evaluation of project-specific circumstances, fish processors, fish buying scows, water-based transportation facilities, aquaculture or mariculture facilities.

- 2) Uses and activities which are neither water-dependent nor water-related for which there are no feasible and prudent upland alternatives, or where the upland alternative would generate substantially greater adverse impacts on the environment than if water based.

Examples of uses and activities under this category may include, pending an evaluation of project-specific circumstances, camps supporting logging, thinning contracts, reconnaissance or other short-term projects, mining, or other related activities; research stations; floating log transfer or storage facilities; dredges.

- 3) Lower priority consideration will be given to those uses and activities that benefit only an individual or limited group, are neither water-dependent nor water-related, and for which there are no upland alternatives. The intent of this policy is to severely restrict placement of those facilities seeking to locate on publicly owned waters which do not generate a public benefit.

Examples of uses and activities under this category may include, pending an evaluation of project-specific circumstances, sport-fishing or other floating lodges, trapping camps, base camps for recreational activities.

- 4) Lowest priority consideration will be given to those uses and activities that benefit only an individual or limited group, are neither water-dependent nor water-related, and for which there are upland alternatives. The intent of this policy is to severely restrict placement of those facilities seeking to

locate on publicly owned waters which do not generate a public benefit. Said facilities should be prohibited except where specifically permitted.

Examples of uses and activities in this category may include, pending an evaluation of project-specific circumstances, residential float houses, sport fishing or other floating lodges, trapping camps, or base camps for recreational activities.

## **1.2 Policy**

Policy 1.1 sets forth the priorities to be used in considering a proposed floating facility. The following important physical, biological, social, and economic criteria shall be considered in determining whether or not to permit a floating facility at a specific site:

- 1) The size and configuration of the site and surrounding area, and the public benefits or adverse impacts the facility will have on the area itself, as well as on other users of the area, considering:
  - a) Potential conflicts with recreation sites, mariculture sites, fish and wildlife concentration areas, subsistence use areas.
  - b) Persons impacted positively and negatively, socially and economically, by the facility - from a few individuals to the entire community and the degree of those impacts on both upland owners and users and on the environment.
  - c) The length of time the facility will be in place at the site, with seasonal or short-term uses given higher consideration than long-term use.
  - d) The complexity of the facility, with greater scrutiny being directed toward a facility requiring more regulatory approvals, taking up a large area, and/or having broader or more pronounced impacts on the environment than a small facility would generate.
- 2) The appropriateness of the site to accommodate a floating facility, in terms of its physical characteristics, including, but not limited to: tidal flushing, anchorage, hazards to navigation, proximity to other floating facilities or

upland users, site specificity (the need for the facility to be located at a specific site).

- 3) Existing regulations and restrictions on uses of the area, as well as adjacent areas.

### **1.3 Policy**

Floating facilities shall be prohibited in the following areas, unless a significant public benefit results from the proposed use, and there are no feasible and prudent alternative for the proposed use:

- 1) Habitat or Harvest Areas - Areas identified by the Alaska Department of Fish and Game as having significant concentrations of shellfish, waterfowl, shorebirds, marine mammals; extensive productive tideflats, salt marshes, kelp or eel grass beds; eagle trees; or heavily used harvest sites.
- 2) Historic, Archeological, or Recreational Sites - Sites listed by the Alaska Department of Natural Resources Historic Preservation Officer as eligible for inclusion in the National Register of Historic Places; sites identified by U.S. Forest Service or other management agencies as historic or archeological sites, or sites identified in Sitka's Recreation Plan as areas of significant recreation use.
- 3) Navigational Hazards - No floating facility shall moor, anchor, or otherwise block narrow waterways or passages or impact the free passage of waterborne traffic, as specified in the U.S. Coast Guard regulations.
- 4) Anadromous Fish Streams - No floating facility shall be located within 500 lineal feet horizontally of the mouth of any anadromous fish stream. The "mouth" of the stream is defined as the seaward limits of the stream at mean lower low water (MLLW). In no case shall the floating facility moor directly in front of the mouth of the stream, unless the facility is an integral part of an approved fisheries project meeting all agency requirements.
- 5) Wilderness Areas - Floating facilities will not be permitted adjacent to federal land designated by Congress as wilderness unless the facility is

considered a high-priority use under Policy 1.1, and a public benefit results from the proposed use. Both short-term and long-term benefits will be evaluated.

#### **1.4 Policy**

To protect the public interest, private floathouses for residential use and not an integral component of another use category will be prohibited on all public tidelands and submerged lands within the City and Borough of Sitka except as expressly permitted within the following designated areas:

- 1) In the Sitka Sound area bounded by Dorothy Narrows to the south and Peril Strait to the north:
  - a) Within Jamestown Bay in the area by Guertin and Dove Island currently occupied by floathouses;
  - b) Within Camp Coogan Bay, including the immediately adjacent bight currently occupied by floathouses;
  - c) Within the northern bight of Eastern Bay;
  - d) Within Picnic Cove, so long as boat anchorage use is not obstructed;
  - e) One floathouse only in the bight south of Dog Point traditionally used for security of privately owned uplands.
- 2) On other tidelands within the public domain outside the Sitka Sound area, only if individually approved by the Alaska Department of Natural Resources following a public and agency notification, comment, and hearing process, including consistency review and an evaluation of project-specific circumstances.

*Note: See Residential Floathouse Sites Maps pages 49-52 of document.*

#### **1.5 Policy**

The following requirements shall apply to any floating facility permitted in a specific location within the District:

- 1) Notification of Upland Owner - Floating facilities shall be permitted only after notification of the upland owner. The upland owners adjacent to the tidelands have first preference to the use of the tidelands adjacent to their property if all the conditions are met under AS 38.05.075(c).
- 2) Grounding - Floating facilities shall avoid shallow areas where they could settle on or abrade the substrate during low tides. To the extent feasible and prudent, floating facilities shall be moored in a minimum of 12 feet of water present during mean lower low water or 0.0 tide stage.
- 3) Proper Anchoring - Floating facilities shall utilize anchoring methods similar to a marine vessel and shall not utilize shore ties or other means which restrict passage around their location unless specifically approved by the appropriate agency or agencies as meeting regulatory requirements. Anchors shall be of sufficient weight and holding capability to keep the facility in its proper location without being washed up or damaged on the beach or drifting into an unacceptable location.
- 4) Removal - An owner or operator shall be responsible for promptly removing and disposing of floats, docks, rafts, boats, and floathouses or other related materials when it has been determined by the permitting agency (or agencies) that the structure is no longer being properly maintained or the lease or permit fees lapse. Proper maintenance, at a minimum, means that the structure does not present danger or appear abandoned. Abandonment, casting loose, or disposal on a beach are prohibited as disposal methods.
- 5) Exception to Above Requirements - The above requirements apply to floating facilities on publicly-owned tidelands rather than those tied with the permission of the dock owner to a private dock on privately owned tidelands. However, all floating facilities must meet regulatory requirements for permits and/or leases, including all applicable provisions for avoiding grounding, proper anchoring, sewage disposal, and removal.
- 6) Mitigation of Significant Impacts - To the extent feasible and prudent, owners/operators of floating facilities shall mitigate significant adverse

impacts on other users of the area and on the environment, in order to minimize conflicts.

## **Waterfront and Tidelands Development**

### **b. Policy [Administrative]**

In considering whether or not to permit development of a coastal area adjacent to the Sitka road system, a higher priority will be given to waterfront development which seeks to protect and expand the local economy, provides employment, and strengthens the economic diversity with minimum effects upon environmental quality, than for a development which does not meet these guidelines.

### **1.6 Policy**

While all other regulatory requirements must be met, priority for waterfront and intertidal development adjacent to the Sitka road system shall be given in the following order to:

- 1) Water-dependent uses and activities. Water-dependent uses and activities are those which require their function to take place at a waterfront or intertidal location.

Examples of uses and activities under this category may include, pending an evaluation of project-specific circumstances, fish hatcheries, aquaculture or mariculture activities, fish processing plants; boat harbors; freight, fuel, or other docks; seaplane, tour boat staging, or other water-based transportation facilities; marine ways (haul out areas).

- 2) Water-related uses and activities. Water-related uses and activities are those which are directly related to a water-dependent use or activity.

Examples of uses and activities under this category may include, pending an evaluation of project-specific circumstances; marine gear stores, waterborne commerce activities, water-based recreational sites.

- 3) Uses and activities which are neither water-dependent nor water-related and for which there are no feasible and prudent upland alternatives. The permitting of such non-water-dependent or non-water-related uses and

activities will be evaluated on a case-by-case basis to insure that a future significant potential water-dependent or water-related use for that site is not preempted.

- 4) Uses and activities which are neither water-dependent nor water-related, for which there are upland alternatives. The permitting of such non-water-dependent or non-water-related uses and activities will be evaluated on a case-by-case basis to insure that a future significant potential water-dependent or water-related use for that site is not preempted.

Not all waterfront and/or tidelands properties are equally suited for water-dependent or water-related use due to a lack of deep water frontage, size, topography, or other such factors. Further, there are limited upland sites in which some uses or activities can feasibly be sited. Therefore, the City and Borough of Sitka believes that non-water-dependent development has a limited place on the waterfront and adjacent tidelands. Greater consideration should be given within this priority to a business which derives a major economic benefit from being on or near the waterfront.

Examples of uses and activities under this category may include but are not limited to the following, pending an evaluation of project-specific circumstances: hotels, restaurants, shops and activities for visitors, and residences.

- 5) The lowest priority consideration will be given to those large land uses and activities which are neither water-dependent nor water-related and for which there are feasible and prudent upland alternatives. Generally, land uses which absorb large amounts of limited waterfront shoreline would not be considered the best use of waterfront property. Therefore, where feasible and prudent, such uses shall be sited on suitable upland locations.

Examples of uses and activities under this category may include but are not limited to the following, pending an evaluation of project-specific circumstances: office buildings, public schools or similar uses.

## 1.7 Policy



Each waterfront project adjacent to the Sitka road system shall be reviewed to determine the individual and cumulative effects upon any specific tideland or wetland affected, the relative importance of said wetland or tideland to fish and wildlife, and mitigation measures that might be suitable to overcome any adverse effect.

## **1.8 Policy**

Dredging or filling at the areas listed below is allowable only as required for protection of the resource from storm or other damage or for enhancement of recreational, historic, or other major values in the public's best interest. These areas are important due to the highly sensitive and/or productive nature of the habitat or importance as a recreational and/or historic site. (See Appendix C for information on specific sites, and a map on Page 53 for locations):

- a) Starrigavan Bay and Creek;
- b) "Old Sitka" Historic Site;
- c) No Name Creek;
- d) Granite Creek at Halibut Point Recreation Area and Tidelands;
- e) Channel Club Creek;
- f) Cascade Creek;
- g) Sitka National Historical Park Estuarine Flats;
- h) Indian River;
- i) Blueberry Lane Creek;
- j) Thimbleberry Creek;
- k) Sawmill Creek.

## **1.9 Policy**

Where feasible and prudent, piling-supported or floating structures shall be used rather than solid tidelands fill in important fish and wildlife habitats to encourage retention of shallow water habitat, yet provide for development.

### **1.10 Policy**

An owner shall be responsible for promptly removing and disposing of a dock or other structure in the intertidal area when the dock or other structure is no longer being properly maintained, as determined by the permitting agency (or agencies) or the lease or permit fees lapse. Proper maintenance, at a minimum, means the structure does not present danger or appear abandoned. Abandonment, casting loose, or disposal on a beach are prohibited as disposal methods.

## **Coastal Residential Use**

### **1.11 Policy**

Residential uses are allowable in those coastal areas where water-dependent or related activities are not suitable, consistent with zoning and other applicable regulations.

## **2. GEOPHYSICAL HAZARD AREAS**

### **2.1 Policy**

Development in areas with known geophysical hazards shall not be approved by the appropriate local, state or federal authorities until siting, design, and construction measures for minimizing property damage and protection against loss of life have been provided.

### **2.2 Policy**

No building permit shall be issued by the municipal building official in any area containing any geophysical hazard as defined herein or as defined in any other municipal law or ordinance until the remedies for such hazards have been incorporated into the project design documents.

### **3. RECREATION**

#### **3.1 Policy**

To the extent feasible and prudent, the following criteria shall be utilized in land and water management decision-making affecting areas widely used for recreational purposes including, but not limited to, those areas listed in policies 3.3 and 3.4:

- 1) Habitat and access shall be maintained for traditional activities including hunting, fishing, clamming, beach combing, hiking, nature observation, and other recreational uses;
- 2) The visual and aesthetic characteristics of recreational areas shall be protected and maintained;
- 3) The proposed use or activity shall minimize adverse impacts on recreational uses.
- 4) Significant adverse effects upon the habitat or qualities upon which the recreation depends shall be avoided or mitigated.

#### **3.2 Policy**

Recreational access to public uplands, shorelines, tidelands, and wetlands shall be maintained and enforced to the maximum extent feasible and prudent, through easements, dedications, or other means, except where human health or safety would be at risk.

#### **3.3 Policy**

Recreation and/or preservation of the resource shall be considered the primary use of the following areas, regardless of ownership, and the areas shall be protected and developed for the enhancement of recreational use:

- 1) Sitka National Historical Park (federal government);
- 2) Pioneer Park (State government);

- 3) Moller Park (local government);
- 4) Crescent Park (local government);
- 5) Totem Square (state government);
- 6) Halibut Point Recreation Area (state government);
- 7) Sandy Beach (state government);
- 8) Starrigavan Campgrounds (federal government);
- 9) Old Sitka (state government);
- 10) Swan Lake AMSA (local government);
- 11) John Brown's Beach (federal government); and
- 12) Mahknati Island Causeway (state government).

### **3.4 Policy**

Recreation and/or preservation of the resource shall be a high-priority use of the following heavily utilized areas within the City and Borough of Sitka, and to the extent feasible and prudent, the portions of these areas in the public domain shall be protected and maintained for recreational use:

- 1) Goddard Hot Springs (local government);
- 2) White Sulphur Springs (federal government);
- 3) Publicly-owned portion of Baranof Warm Springs north of the river (local, state or federal government);
- 4) Mt. Edgecumbe National Recreation Trail (federal government);
- 5) U.S. Forest Service Cabin Sites and adjacent areas (federal government); and

- 6) Other areas in the public domain may be added to this list through amendment to the SCMP.

#### **4. ENERGY FACILITIES**

##### **Electrical**

##### **a. Policy [Administrative]**

If possible, the municipality shall continue to seek funding to provide for the Takatz Lake hydroelectric facility and transmission line, independent of the Alaska Power Authority.

##### **b. Policy [Administrative]**

Takatz Lake is considered as the best, "number one" hydroelectric prospective site within the City and Borough of Sitka. The City and Borough of Sitka shall continue to work with the State of Alaska, Department of Natural Resources to complete the selection process from the Tongass National Forest to assure municipal selection for that site.

##### **c. Policy [Administrative]**

The municipality should begin the steps to formulate preliminary engineering and prepare the Federal Energy Regulatory Commission licensing requirements for Takatz.

##### **4.1 Policy**

The municipality identifies the Takatz Lake watershed for a proposed hydroelectric power site as the highest priority use for this site and shall oppose any other conflicting land use classification or proposed uses of the Takatz Lake watershed as long as this designation exists. Interim, non-conflicting uses for Takatz Lake may be permitted.

##### **Fueling Facilities**

**d. Policy [Administrative]**

Tank farms, fueling piers and other energy facilities shall be sited, designed, constructed and operated to minimize impact on coastal resources.

**4.2 Policy**

Fueling facilities must be constructed to include a barrier or other safeguard to prevent any spill from entering coastal waterways or wetlands.

**5. TRANSPORTATION AND UTILITIES**

**Transportation**

**a. Policy [Administrative]**

Priority shall be given to transportation system improvements which serve multiple developments rather than on a lot-by-lot basis.

**b. Policy [Administrative]**

The municipality encourages the rapid completion of engineering and construction for the new Sitka Airport access road.

**c. Policy [Administrative]**

The municipality strongly supports the maintenance of Alaska Marine Highway ferry service at least at the current levels.

**d. Policy [Administrative]**

The municipality strongly supports the development and maintenance of harbors and launching ramps to meet community needs, and considers this a high-priority use of the Sitka waterfront area.

**e. Policy [Administrative]**

The transportation priorities for improvements shall be airport access road, improved airport landing navigation system, and boat harbor enlargement for vessels from 40 to 80 feet in length.

**f. Policy [Administrative]**

The City and Borough of Sitka opposes any reduction in mainline ferry service.

**Utilities**

**g. Policy [Administrative]**

The municipality shall continue to attempt to provide utilities services to all sections of the roaded municipality, contingent on availability of the necessary funding.

**5.1 Policy**

Following construction, intertidal or beach areas must be cleaned and restored to acceptable aesthetic conditions.

**6. FISH AND SEAFOOD PROCESSING**

**Fish and Seafood**

**a. Policy [Administrative]**

The fishing industry is considered to be a major economic factor in the City and Borough of Sitka, and therefore, the development of water-dependent facilities for the expansion of this industry will be a priority use of waterfront and other coastal areas.

**b. Policy [Administrative]**

The municipality encourages the private development of support facilities such as bunkhouses or parking areas needed to provide for seasonal employment opportunities in the seafood industry.

**c. Policy [Administrative]**

The municipality encourages strong enforcement of requirements for waste discharges from seafood processing plants.

**6.1 Policy**

The waterfront side of Katlian Avenue, from Thomsen Harbor to the Longshoreman's Hall (the municipal property known as the "Port Development Area") is specifically reserved and set aside for fish processing facilities as a priority use. Short-term interim uses may be permitted with the approval of the City and Borough of Sitka.

**Mariculture and Aquaculture**

**d. Policy [Administrative]**

In recognition of the contribution made by public and private not-for-profit fish hatcheries and other aquaculture activities to the enhancement of fisheries resources, where feasible and prudent, the City and Borough supports such public and private not-for-profit aquaculture efforts as a priority use of coastal areas, provided District Program requirements for permitting and siting are met.

**e. Policy [Administrative]**

Not-for-profit mariculture and aquaculture projects designed to increase the fish and seafood harvesting potentials for the common property, available to the general public, are considered priority uses of the coastal area, within the parameters of District Program requirements for permitting and siting.

**f. Policy [Administrative]**

The City and Borough of Sitka is opposed to the issuance of commercial for-profit finfish mariculture permits within the City and Borough until such time as sufficient research and public support favor this development.

**g. Policy [Administrative]**



The City and Borough of Sitka requests the appropriate regulatory agencies to provide for local input in the planning process for the development of the mariculture/aquaculture industry. The City and Borough of Sitka strongly supports state efforts to develop a coordinated permit process that includes the local community in a public hearing process prior to approving new mariculture and/or aquaculture operations within the City and Borough. Equal weight should be given to socioeconomic concerns, as well as biological considerations, when reviewing mariculture permit requests. The intent of this policy is to insure that since mariculture activities could potentially preempt any other use in a particular location within the public domain, the citizens of the affected community should be included in a formal approval process.

**h. Policy [Administrative]**

To protect the environment, including habitats, natural runs, and existing uses, the City and Borough of Sitka will exercise due caution in recommending permitting of mariculture or aquaculture uses and activities.

**6.2 Policy: Siting Criteria for Mariculture and Aquaculture Facilities**

Mariculture and aquaculture facilities shall meet the following siting criteria:

- 1) Mariculture and aquaculture projects must be sited to be compatible with appropriate culture practices and designed so as to minimize the risk of disease transmission.
- 2) Sites must have appropriate flushing characteristics and proper depth to maintain environmental quality.
- 3) The following areas shall be avoided where incompatible with a proposed mariculture or aquaculture operation: "catalogued" anadromous fish streams as documented by Alaska Department of Fish and Game; tidelands or wetlands identified as important habitat areas; areas of extensive vessel traffic or hazard to navigation; areas of point and non-point source water pollution; and areas with concentrations of predators of the proposed species.
- 4) Where feasible and prudent, the following areas shall be avoided where incompatible with a proposed mariculture or aquaculture operation:

subsistence areas receiving significant public use, recreation areas receiving significant public use, and areas of human habitation.

- 5) Where feasible and prudent, potential for-profit mariculture/aquaculture sites shall be in areas of low conflict with existing uses.
- 6) Requirements for floating facilities (See Coastal Development, pages 34-44), as well as all other applicable local, state, and federal regulations, must be met.

### **6.3 Policy**

Public notice of a proposed permit or lease for mariculture or aquaculture facilities will be given under Alaska Statutes 38.05.945 or its equivalent, including notification in a local newspaper. However, joint Department of Natural Resources notification with the Department of Environmental Conservation/Division of Governmental Coordination public notice is encouraged. Notice shall also be sent to adjacent upland land owners, such as U.S. Forest Service and Native Corporations, appropriate user groups, and local government that may be affected by the proposed activity. Due consideration shall be given to scheduling and locating any public comment period or public hearing to ensure that persons involved in peak seasonal activities, such as the fishing season, have opportunity to comment.

### **6.4 Policy**

Applicants for mariculture or aquaculture permits shall be required to provide a facility development plan and anticipated production schedule sufficient to evaluate the operation's size, staffing plans, technical design, physical and biological site characteristics and annual levels of production over a multi-year period, to ensure feasibility of the project.

### **6.5 Policy**

For-profit mariculture or aquaculture operations shall be required to annually report production data to appropriate regulatory agencies to insure the operation is consistent with its original site development plan (unless modified with appropriate agency concurrence). The intent of this policy is 1) to assure a viable mariculture site is not being held by a permittee solely to prevent competition; 2)

to assure the operation is consistent with its permit application; and 3) to provide a vehicle for regulatory agencies to assess and promptly terminate the tidelands lease and permit if there are significant deviations from the proposed operations plan.

## **6.6 Policy**

In considering a request for a for-profit mariculture or aquaculture permit, or during an annual review as specified in Policy 6.5, the mariculture operations shall be evaluated with respect to the cumulative effects of all mariculture and aquaculture sites in operation. A structured trial period to allow development and prove-up time prior to issuance of a long-term lease may be required. The intent of this policy is to proceed very cautiously with issuance or renewal of for-profit mariculture or aquaculture permits, to insure that adverse impacts of this industry are minimized.

## **7. TIMBER HARVEST AND PROCESSING**

### **a. Policy [Administrative]**

Commercial timber harvesting should be designed to maintain the visual quality of the view from the Sitka road system and the view of Sitka from Sitka Sound.

### **7.1 Policy**

Commercial log salvage operations will not be permitted within fifteen (15) miles of the Sitka road system due to the widespread need for beach salvage by the entire community, unless such a commercial activity will not adversely impact (i.e., compete with) collection of beach logs for local personal use.

### **7.2 Policy**

Clear-cutting of zoned parcels of private property within the roaded community shall be prohibited unless specifically identified as a part of a development proposal which receives the approval of the City and Borough of Sitka.

### **7.3 Policy**

To minimize impacts of timber development on other coastal resources, such development shall, to the extent feasible and prudent, utilize existing environmentally sound log-transport facilities and extend use over several sale periods, unless the adverse impacts generated by use of an interconnected or extensive road system exceeds the advantages of non-connected log transfer and road systems.

## **8. MINING AND MINERAL PROCESSING**

### **a. Policy [Administrative]**

The municipality is encouraged to review ordinance revisions to incorporate reclamation and development guidelines on natural resource extraction on private property within the Sitka road system.

### **8.1 Policy**

Sand or gravel extraction on tidelands shall not be permitted unless there are no feasible and prudent upland alternatives and a clearly identifiable public need for the resource is demonstrated. The incidental removal of sand and gravel that is integral to an allowable project may be permitted if it will not result in significant adverse impacts to the environment.

### **8.2 Policy**

Applications for all mining projects shall include development and reclamation plans (including a schedule of all reclamation activities) as well as bond provisions or other appropriate measures adequate to insure environmental protection and reclamation. Bond provisions shall be considered and required, as appropriate, to cover environmental protection and reclamation costs.

## **9. SUBSISTENCE**

### **9.1 Policy**

Land and water uses and activities within the District shall minimize and/or mitigate significant adverse impacts, including cumulative impacts, on subsistence

resources and their use. If a substantial concentration of the resource could be significantly adversely impacted by a proposed use or activity, protection of the resource shall be a priority consideration. Important subsistence resources include: razor clams, black and other seaweeds, salmon (especially sockeye), halibut, deer, herring eggs, smelt, rockfish, abalone, crab, clams, shrimp, mussels, gumboots, goat, bear, ducks and other waterfowl, berries, fur bearers, sea otters, and seals.

## **9.2 Policy**

Razor clams on Kamenoi Beach (the only known major concentration in the District) and black seaweed (available at only a few privately known locations in the District) are unique because of their scarcity and the potential for total loss of the resource at these sites, and shall be protected from significant adverse impacts to the resource.

## **9.3 Policy**

Persons engaged in subsistence activities shall have access to subsistence resources on public lands and waters to the full extent provided under relevant law.

# **10. HABITATS**

## **Habitats**

### **a. Policy [Administrative]**

The municipality favors the continued cooperative efforts by appropriate agencies and organizations to carry out stream or fish passage improvements designed to enhance and expand fish habitat throughout the Borough, including within "wilderness" areas.

### **b. Policy [Administrative]**

Impacts from necessary instream work such as culverting, bridge construction, streamside road construction, channelization, bank stabilization, damming, gravel extraction, and stream diversion should be mitigated or minimized. Trained

resource specialists are available in the private sector or in government agencies including the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, and U.S. Forest Service, and can identify ways to mitigate adverse impacts of these activities.

**c. Policy [Administrative]**

The Alaska Department of Fish and Game is requested to assist in specific anadromous stream studies within the roaded area that will expand on the knowledge gained in the Sitka Coastal Habitat Evaluation with respect to the need for (and recommended widths of) green belts along the margins of the individual streams.

**d. Policy [Administrative]**

Existing fish passage problems, including perched culverts, man-made stream obstructions, and velocity barriers should be corrected whenever routine maintenance is scheduled.

**e. Policy [Administrative]**

Future industrial and commercial waterfront expansion into Starrigavan Bay is not recommended.

**10.1 Policy**

To maintain anadromous and resident fish populations and associated wildlife, land and water uses potentially affecting anadromous fish streams will be designed to conserve or improve existing habitat or mitigate adverse impacts. To prevent unnecessary encroachment upon these stream channels, their banks, and associated floodplains, new construction and land clearing shall, where feasible and prudent, be buffered by a natural vegetation zone within a minimum of 25 feet along either side of the 100-year floodplain. A wider buffer is encouraged where appropriate to provide greater protection.

**10.2 Policy**

Areas already industrialized, such as Sitka Channel, Sawmill Cove, and Jamestown Bay, shall be given priority for siting future water-dependent commercial and

industrial development, since industrialized areas generally have low fish and wildlife resource and habitat values and will be less adversely impacted by development than would non-industrialized areas.

### **10.3 Policy**

Land and water uses having the potential to significantly adversely impact habitat seasonally supporting substantial concentrations of herring eggs, shall, to the extent feasible and prudent, be designed to conserve existing habitat or mitigate significant adverse impacts.

#### **Bald Eagle Management**

##### **a. Policy [Administrative]**

It shall be the policy of the City and Borough of Sitka that the following Management Guidelines must be considered when development along the road system is proposed adjacent to eagle nests:

1. When an eagle nest tree is located within a parcel of private property to be developed, the owner of the property shall be requested to participate in a discussion with representatives of the City and Borough of Sitka and USFWS to determine how the proposed development can best accommodate bald eagle habitat.
2. Roads and driveways should be located to minimize proximity to known eagle nests, preferably sited landward from nest trees.
3. Accidental electrocution of eagles is a problem in Sitka. When powerlines and poles are placed in areas where eagles tend to perch on them, measures to minimize accidental electrocution of bald eagles include the following:
  - a. When undertaking major powerline development, the City and Borough of Sitka Electrical Department or private developer shall consult with USFWS concerning measures to minimize the danger of electrocution of eagles.

- b. Poles should extend two (2) feet above energized wires to provide a safer perch.
- c. Powerline corridors that parallel shorelines should be located landward of nesting and perch habitat if feasible. A 100-yard distance from shore is recommended.
- d. Where anadromous streams exist necessitating powerline crossings, it is recommended they cross landward of major spawning areas where eagle flights would increase the potential for accidental electrocution.

**b. Policy [Administrative]**

The Subdivision Regulations of the City and Borough of Sitka shall be amended to include the following:

To assure adequate protection around eagle nest trees, the U.S. Fish and Wildlife Service shall provide to the municipal Planning Department a map of eagle nest trees in the Sitka roaded area. Prospective developers and owners of land in the vicinity of an eagle nest tree shall participate in discussions with the USFWS and the City/Borough concerning mitigative measures to ensure protection of the nest tree. Mitigative measures may include leaving an undisturbed buffer of trees to maintain windfirmness of the nest tree and timing of construction activities to avoid disturbance during the nesting season. Any mitigation measures agreed to shall be placed on the face of the subdivision document as a plat restriction.

**c. Policy [Administrative]**

To maintain valued eagle habitat along the Sitka road system, owners of property containing perch trees regularly used by eagles are strongly encouraged to retain such perch trees and to participate in mitigation discussion with the City and Borough Planning Department and U.S. Fish and Wildlife Service prior to commencing any development which could result in the loss of this habitat.

**11. AIR, LAND, AND WATER QUALITY**

**a. Policy [Administrative]**



The municipality recognizes the authority of state and federal agencies to regulate air, land, and water quality and will comply with these regulations.

**b. Policy [Administrative]**

The City and Borough of Sitka shall develop a visual resources management plan to inventory and identify scenic views of particular significance to the public which should be maintained, enhanced, or rehabilitated, both from the Sitka road system, and from Sitka Sound toward town.

**c. Policy [Administrative]**

The municipality should continue to assist the Department of Environmental Conservation in the air sampling program.

**d. Policy [Administrative]**

Greenbelts are encouraged adjacent to streams, wetlands, and other areas of aesthetic value.

**12. HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES**

**a. Policy [Administrative]**

The municipality encourages the renovation of historic sites and buildings.

**b. Policy [Administrative]**

The municipality encourages the restoration of Native clan houses or other structures that have cultural as well as historic value.

**c. Policy [Administrative]**

The municipality encourages appropriate state agencies to continue identifying areas of the coast which are important to the study, understanding, or illustration of national, state or local history or prehistory.

**City and Borough of Sitka  
Coastal Management Program  
Definitions**

The following definitions of potentially unclear words and phrases contained in the enforceable policies of this section are included in the enforceable language to assist in clarifying the intent of said policies, and are not intended to represent the sole meaning of the defined words.

**Area which merits special attention** has the same meaning as in AS 46.40.210(1).

**Barrier islands and lagoons** means depositional coastal environments formed by deposits of sediment offshore or coastal remnants which form a barrier of low-lying islands and bars protecting a saltwater lagoon with free exchange of water to the sea.

**Coastal water** means all water bodies in the coastal area, including wetlands and the intertidal area.

**Council** means the Alaska Coastal Policy Council.

**District** means a coastal resource district as defined in AS 46.40.210(2).

**District program** means a district coastal management program.

**Estuary** means a semi-closed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage.

**Exposed high-energy coasts** means open and unprotected sections of coastline with exposure to ocean generated wave impacts and usually characterized by coarse sand, gravel, boulder beaches, and well-mixed coastal water.

**Facilities related to commercial fishing and seafood processing** includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities.

**Feasible and prudent** means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to

be derived from compliance with the standard which is modified by the term "feasible and prudent."

**Floating facility.** For purposes of this section, a "floating facility" is defined as a boat, houseboat, barge, or any structure located on a raft that is moored or anchored in one location for a period of 14 days or more, during which time it is not primarily used for transportation. Floating facilities may be powered or not. Floating facilities located in harbors and marinas are excluded from this definition. Floating facilities can generally be separated into the following use categories, including, but not limited to:

- X     Fishing related - processors, buying scows;
- X     Mariculture/aquaculture related - operations facilities and bunkhouses, research or educational stations, net pens;
- X     Timber related - floating logging camps, reconnaissance or other short term projects, thinning contract camps;
- X     Transportation and/or Tourism Related - seaplane, tour boat, or other water-based operations;
- X     Mining related - floating mining camps, dredges, support claim development;
- X     Wild Resource Use - trapping camps, sport fishing lodges, birdwatching stands, base camps for recreational activities;
- X     Floathouses - primarily designed, intended, or fitted out as a residence or place of habitation and not an integral component of another use category.

**Geophysical hazard areas** means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snow slides, faults, ice hazards, erosion, and littoral beach process.

**Including** means including but not limited to.

**Individual Benefit.** For purposes of this section, "individual benefit" is defined as: Those socioeconomic gains accruing only to the individual or a limited or select group

from a use or activity which provides minimal or no benefit to or adversely impacts the public interest.

**Major energy facility** includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing facilities, and geothermal facilities. "Major energy facility" means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

- (A) a facility required to support energy operations for exploration or production purposes;
- (B) a facility used to produce, convert, process, or store energy resources or marketable products;
- (C) a facility used to transfer, transport, import, or export energy resources or marketable products;
- (D) a facility used for instate energy use; or
- (E) a facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in (A) - (D) of this paragraph.

**Mining and mineral processing** means the development of mineral resources extracted in tidal rivers, coastal water, and on continental shelves of the open sea, and found in surface, subsurface, and aqueous deposits.

**Offshore areas** means submerged lands and waters seaward of the coastline.

Public Benefit For purposes of this section, "public benefit" is defined as: The broad-based socioeconomic gains accruing to the public from a use or activity which creates jobs, maintains the Sitka District's renewable resources, stabilizes or enhances resource development and economic base, or in other ways serves the public good to a greater extent than the use or activity adversely impacts the general public and/or environment.

**Rocky islands and seacliffs** means islands of volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts.

**Significant amendment** means an amendment to an approved district program which:

- (A) results in a major revision, addition or deletion to the policies or implementation methods or authorities included in the district program under 6 AAC 85.090 and 6 AAC 85.100.
- (B) alters the district boundaries, other than by technical adjustments;
- (C) designates an area which merits special attention or alters an existing area which merits special attention designation; or
- (D) restricts or excludes a use of State concern not previously restricted or excluded.

**Tideflats** means mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide.

**Transportation and utility routes and facilities** include power transmission lines, mineral slurry lines, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain the route or facility.

**Upland** means drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal water.

**Uses of State concern** has the same meaning as in AS 46.40.210(6).

**Water-dependent** means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.

**Water-related** means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

**Wetlands** includes both freshwater and saltwater wetlands; "freshwater wetlands" means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than .5 parts per thousand salt content and not exceeding three meters in depth; "saltwater wetlands" means those coastal areas along sheltered shorelines characterized by halophytic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes.

**City and Borough of Sitka  
Coastal Management Program  
Boundaries**

The Sitka boundary includes all the coastal area of the entire 4,710 square miles City and Borough of Sitka, including the spruce/hemlock coastal forest to the timberline (generally between 2,000 and 2,500 feet), all freshwater systems where fish spawning and overwintering occurs, and the bulk of the habitat used by terrestrial birds and mammals.

For the sake of clarity, regardless of which management agency or level of government has authority, the boundary of the Sitka Coastal Management District Program shall be the total boundaries of the City and Borough of Sitka located within the coastal zone. The City and Borough of Sitka therefore retains the "interim coastal boundaries," including the zones of "direct interaction" and "direct influence," depicted in Coastal Zone Boundaries of Alaska, and has not modified this boundary from its original program.

The above boundary includes all of Baranof Island excluding Port Alexander, that portion of Chichagof Island south of Tenakee Inlet and Lisianski Inlet as shown on the boundary map, as well as smaller neighboring islands.